



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

JAN 20 2004

MEMORANDUM FOR: Permit 1196 Files
Upper Columbia River Spring Chinook Salmon
Consultation Number: 1999/00836

From: 
D. Robert Lohn
Regional Administrator

Subject: NEPA Evaluation of an Amendment to Endangered
Species Act Section 10(a)(1)(A)
Research/Enhancement Permit 1196

NOAA's National Marine Fisheries Service (NMFS) proposes to amend Endangered Species Act (ESA) section 10(a)(1)(A) permit 1196. With respect to the National Environmental Policy Act (NEPA), the proposed amendment of permit 1196 remains consistent with a 2002 NEPA Environmental Assessment (EA) previously conducted for the operation of upper Columbia River (UCR) spring chinook salmon research/enhancement programs. The proposed amendment would also be consistent with a 2003 Environmental Impact Statement (EIS) review of three Mid-Columbia basin Habitat Conservation Plans (HCPs), which contemplated the original permit 1196 for mitigation actions of funding and implementing artificial propagation programs in the basin. Although some modifications to permit 1196 are proposed in addition to an extended permit term, these modifications would not be significant or substantial changes to the original permit, and would be consistent with the adaptive management component of the HCP permit and EIS review. Therefore, it was determined pursuant to NAO 216-6 Section 4.01y and 40 CFR 1502.9 that a supplement to either the EA or the EIS was not warranted. The determination on this permit amendment is based on the following analysis.

Action Area

The activities would occur within the same action area previously considered in the 2002 EA. This includes areas primarily in the Chelan, Douglas and Okanogan Counties; more specifically, the Columbia River at and above Priest Rapids Dam, the Wenatchee River, Methow River, and Okanogan River basins and artificial propagation facilities along the mainstem Columbia River.

Background

The current section 10(a)(1)(A) permit 1196 authorizes the Washington Department of Fish and Wildlife (WDFW) annual direct and incidental take of listed Upper Columbia River (UCR)



spring chinook salmon and UCR steelhead associated with the artificial propagation programs in the UCR, which rear and release ESA-listed UCR spring chinook salmon (NMFS 2002a).

NMFS intends to amend permit 1196 to extend the permit duration from five years to 10 years for the continuation of actions addressed in the original five year permit and actions associated with three HCPs described below with respect to the spring chinook salmon enhancement program in the UCR spring chinook salmon Evolutionarily Significant Unit (ESU).

NMFS issued the original section 10 permit 1196 to WDFW on August 16, 2002 (NMFS 2002a). A Biological Opinion was prepared pursuant to section 7 of the ESA on NMFS' action of issuing the permit (NMFS 2002b). An EA was prepared, and a Finding of No Significant Impact (FONSI) was signed for the permit on August 9, 2002 (NMFS 2002c). NMFS has now reinitiated consultation under section 7 of the ESA.

The original EA prepared for permit 1196 evaluated the potential effects on the human environment of NMFS' action of issuing the permit to the WDFW (NMFS 2002c). The proposed action considered in the EA was to "issue a permit under section 10(a)(1)(A) of the ESA based on the application, including attachments, submitted by the WDFW as modified by the conditions that NMFS may require as being necessary and appropriate" for carrying out the spring chinook salmon enhancement program (NMFS 2002c). The proposed action description still serves as an accurate description of activities to be authorized by amending permit 1196. Artificial propagation enhancement activities that would remain unchanged under the expanded 10 year permit include:

- The collection of broodstock through trapping operations on the Twisp River, Chewuch River, and at Methow Hatchery for Methow River populations (with potential collection at Wells Dam) and on the Chiwawa River and Nason Creek or Tumwater Dam for Wenatchee River Basin-origin spring chinook salmon;
- The holding and artificial spawning of collected adults at the Methow and Eastbank Hatcheries;
- The incubation and propagation from the fertilized egg through the pre-smolt life stage at the Methow and Eastbank Hatcheries;
- The transfer of fingerlings and pre-smolts from the two hatcheries for rearing in acclimation ponds on the Chiwawa, Twisp, and Chewuch Rivers; and
- The release of smolts into the Methow, Chewuch, Twisp, and Chiwawa Rivers from acclimation ponds on those systems.

Pursuant to section 10 of the ESA, NMFS may impose conditions in the permit that further minimize potential adverse impacts on protected species. The original EA specified the following general operating conditions that would remain unchanged under the extended 10 year permit (NMFS 2002c):

- Limit removal of ESA listed natural and hatchery origin adult spring chinook salmon for use as broodstock, and limit annual releases of listed spring chinook salmon smolts from the enhancement program facilities.
- Endeavor to increase the proportion of natural origin spring chinook salmon crosses produced through the program for out-planting.
- Monitor and evaluate artificially propagated spring chinook salmon broodstock procurement methods, adult spawning protocols, juvenile propagation methods, and smolt release strategies to determine the best means to reduce the likelihood of adverse ecological and genetic effects to natural fish.
- Ensure that handling of adult fish at spring chinook salmon monitoring and broodstock collection sites is accomplished in a manner that ensures that listed fish not retained for spawning are released unharmed.
- Develop contingency plans that prevent unplanned, emergency fish released into areas where negative interactions with listed natural fish could occur, and notify NMFS promptly of emergencies (e.g., fire, flooding, water loss) requiring the early release of hatchery fish. Contingency plans must separate emergencies related to a disease outbreak, as those releases would require prior authorization by NMFS.
- Maintain screening of hatchery facility water intakes to minimize impacts to natural fish populations, and incorporate structures that promote safe fish passage.
- Monitor hatchery wastewater and other discharges to ensure compliance with Clean Water Act Section 402 National Pollutant Discharge Elimination System permit requirements to reduce the chance of water quality and disease impacts to humans, fish, and wildlife.
- Conduct frequent fish health inspections and adhere to disease prevention and control guidelines established by the Pacific Northwest Fish Health Protection Committee and the WDFW, to ensure that artificially propagated spring chinook salmon are released in good condition, thus minimizing impacts to natural fish.
- Continue to apply either externally-distinguishable marks or tags, or internal tags to all spring chinook salmon released from hatchery facilities that are part of the enhancement programs, allowing identification of fish as either of hatchery or natural origin, especially at adult migration monitoring and broodstock collection sites.
- The Permit Holders must annually inform NMFS, Salmon Recovery Division in Portland, Oregon of the proposed number of spring chinook salmon to be collected and released, and the location of releases.

The 10-year permit extension would include some modifications to the original five year permit, which are described below under Proposed Amendment.

In April 2002, negotiations on three Mid-Columbia River Basin HCPs were concluded, and incidental take permits were issued for the following: *Anadromous Fish Agreement and Habitat*

Conservation Plan Wells Hydroelectric Project FERC¹ License No. 2149 with Douglas Public Utility District (PUD) for the operation of Wells Dam (DPUD 2002), *Anadromous Fish Agreement and Habitat Conservation Plan Rocky Reach Hydroelectric Project FERC License No. 2145* with Chelan PUD for the operation of Rocky Reach Dam (CPUD 2002a), and *Anadromous Fish Agreement and Habitat Conservation Plan Rock Island Hydroelectric Project FERC License No. 943* with Chelan PUD for the operation of Rock Island Dam (CPUD 2002b). The implementation agreements for the three HCPs² are long-term agreements (50-year terms) that currently have as signatories to each agreement NMFS, the PUDs, the WDFW, the U.S. Fish and Wildlife Service, and the Confederated Tribes of the Colville Reservation. They provide the PUDs with some degree of certainty for the long-term operation of these projects and require the PUDs to provide mitigation of the form of a tributary fund for habitat improvement projects, and artificial propagation programs to mitigate for unavoidable loss of natural fish production due to habitat inundation and passage mortality at the projects. Furthermore, the three HCP agreements indicate that the Chelan and Douglas PUDs will be issued the necessary ESA permits to carry out their mitigation obligations. Permit 1196 is one of the permits intended to meet this criterion.

NMFS has evaluated the PUD mitigation actions of funding and implementing the artificial propagation programs addressed in the amended permit 1196 under NEPA as its preferred alternative in the Final EIS (FEIS) for *Anadromous Fish Agreements and Habitat Conservation Plans Final Environmental Impact Statement for the Wells, Rocky Reach, and Rock Island Hydroelectric Projects* (NMFS 2002d). Each of the three HCPs require monitoring and evaluation of the artificial propagation programs and research into the impact of the programs on natural production. The FEIS identified an adaptive management approach to adjust conservation management actions (Section 1-10 in NMFS 2002d) and states that “the hatchery programs would be consistent with the objectives of rebuilding naturally reproducing populations in their native habitats, while maintaining genetic and ecological integrity” and sections 8.5 of the three HCPs specifically require the development and implementation of monitoring and evaluation plans for the artificial propagation programs (CPUD 2002a, 2002b; DPUD 2002). The Record of Decision (NMFS 2003a) for the FEIS and the issuance of three incidental take permits associated with the three HCPs was issued on August 13, 2003, as the preferred alternative under NEPA.

¹ *Federal Energy Regulatory Commission*

² *Each HCP agreement is subject to a separate ESA section 10(a)(1)(B) permit and Biological Opinion. Permit 1196 addresses the artificial propagation of UCR spring chinook salmon required in each HCP. Separate permits and Biological Opinions address artificial propagation affecting other anadromous fish species.*
NEPA - 2003 Amendment to permit 1196

Proposed Amendment

The three HCPs call for the PUDs to be issued ESA permits necessary to carry out their obligations. Amending permit 1196 achieves this with regard to artificial propagation programs for listed UCR spring chinook salmon that are ongoing and operated by the WDFW. Recently issued permits 1395 and 1347 (NMFS 2003b, 2003c) provide similar authorization for artificial propagation programs of listed UCR steelhead and unlisted salmon, respectively. Each of these permits are jointly issued to the WDFW, Chelan PUD and Douglas PUD as part of the HCP agreements described above. The proposed amendment to permit 1196 would provide consistency among the permits in language, format, and duration. Activities that would be added to permit 1196 include:

- Codifying the funding of and implementation support for the artificial propagation programs by the PUDs;
- Extending the duration of permit 1196 from five years to 10 years;
- Adding the PUDs as joint permit holders with the WDFW; and
- Natural environment monitoring of adult and juvenile UCR spring chinook salmon using techniques such as snorkeling, juvenile fish traps, and spawning ground surveys.

In addressing the above activities, NMFS would add several conditions to permit 1196. These conditions were contemplated in the HCP EIS as part of the adaptive management component to ensure continued compliance with incidental take permit requirements. New conditions would include:

- Establishing guidelines for handling ESA-listed at traps and monitoring sites which include upper water temperature limits in which fish may be handled, requiring fish remain in water or under anesthetic during sampling, and appropriate means for allowing fish to recovery prior to release;
- Requiring the use of visual observation protocols instead of intrusive sampling methods whenever possible;
- Requiring the development of five-year monitoring and evaluation plans for the artificial propagation programs that are updated every five years; and
- Requiring annual reports for the natural environment monitoring.

Effect of the Proposed Amendment

The original permit 1196 EA addressed the cumulative effects of the operation of the spring chinook salmon enhancement program on listed species and the human environment, and resulted in a FONSI (NMFS 2002c). Additionally, the funding and implementation, which include monitoring and evaluation activities, was assessed in the FEIS (NMFS 2002d) on the

three HCPs (CPUD 2002a, 2002b; DPUD 2002) and addressed in the Record of Decision (NMFS 2003a). The EIS considered implementing the HCPs for a duration of 50 years. The five year extended time frame for the proposed amended permit 1196 is not anticipated to create any substantial incremental or cumulative impacts on the environment that have not previously been considered in the 2002 EA or the 2003 EIS. Since the proposed additional conditions associated with a five year permit extension as described above are within the scope of these previous NEPA reviews and the HCP process, and would result in little or no additional impact, the effects are expected to be the same as those previously analyzed.

Conclusion

Based on the preceding, NMFS concludes that the proposed action of issuing amended ESA section 10(a)(1)(A) permit 1196 as described above does not expand upon the action originally evaluated in the EA prepared for the original permit issued in 2002 together with the FEIS issued in 2003, nor does it produce any direct or cumulative effects—adverse or beneficial—that were not contemplated in the EA, the FEIS, and the Biological Opinions. Therefore, the Finding of No Significant Impact, dated August 9, 2002, remains applicable to this action.

References:

- CPUD (Public Utility District No. 1 of Chelan County). 2002a. Anadromous fish agreement and habitat conservation plan Rocky Reach Hydroelectric Project, FERC license No. 2145. Chelan PUD. Wenatchee, Washington.
- CPUD 2002b. Anadromous fish agreement and habitat conservation plan Rock Island Hydroelectric Project, FERC license No. 943. Chelan PUD. Wenatchee, Washington.
- DPUD (Public Utility District No. 1 of Douglas County). 2002. Anadromous Fish Agreement and Habitat Conservation Plan Wells Hydroelectric Project FERC License No. 2149. East Wenatchee, Washington.
- NMFS (National Marine Fisheries Service). 2002a.. Section 10(a)(1)(A) Permit for Takes of Endangered/threatened Species - Permit 1196 Issued to Washington Department of Fish and Wildlife. Salmon Recovery Division, Portland, Oregon. August 16, 2002.
- NMFS. 2002b. Biological Opinion on Effects on Upper Columbia River Spring Chinook Salmon Supplementation Program and Associated Scientific Research and Monitoring Conducted by the Washington Department of Fish and Wildlife and the U.S. Fish and Wildlife Service. Salmon Recovery Division, Portland, Oregon.
- NMFS. 2002c. Environmental Assessment of a National Marine Fisheries Service Action of Issuing a Permit (#1196) to the Washington Department of Fish and Wildlife Under Section 10(a)(1)(A) of the Endangered Species Act. Salmon Recovery Division, Portland, Oregon. August 9, 2002.
- NMFS. 2002d. Anadromous Fish Agreements and Habitat Conservation Plans Final Environmental Impact Statement for the Wells, Rocky Reach, and Rock Island Hydroelectric Projects Volume I FEIS. NMFS, Portland, Oregon. December 2002.
- NMFS. 2003a. Record of Decision - Anadromous Fish Agreements, Incidental Take Permits, and HCPs for the Wells, Rocky Reach, and Rock Island Projects. NMFS. Portland Oregon. August 13, 2003.
- NMFS. 2003b. National Marine Fisheries Service Endangered Species Act (ESA) Section 7 Consultation Biological Opinion and Magnuson-Stevens Act Essential Fish Habitat Consultation on the issuance of permit 1395 jointly to the Washington Department of Fish and Wildlife, the Public Utility District No. 1 of Chelan County, and the Public Utility District No. 1 of Douglas County, the issuance of permit 1396 to the USFWS, and the issuance of permit 1412 to the Confederated Tribes of the Colville Reservation for the

artificial propagation of ESA listed Upper Columbia River basin steelhead. NMFS, Portland, Oregon.

NMFS. 2003c. National Marine Fisheries Service Endangered Species Act (ESA) Section 7 Consultation Biological Opinion and Magnuson-Stevens Act Essential Fish Habitat Consultation on the issuance of permit 1347 jointly to the Washington Department of Fish and Wildlife, the Public Utility District No. 1 of Chelan County, and the Public Utility District No. 1 of Douglas County for the artificial propagation of unlisted salmon species in the Upper Columbia River basin. NMFS, Portland, Oregon.

Cc: (without attachments)

NWR1 - RobWalton (Gloria Matthews)

" - Rob Jones

" - Mike Delarm

" - Robert Bayley

" - Reading File 3.0

" - File Copy: 8.2.6

NWR - Cheryl Davis

" - Patti Vandetta

(with attachments)

GCNW - Kirsten Erickson

NWR3 - Kathe Hawe

NWR1 - Krisine Petersen

" - Permit File 1196